

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE
ANIMAL INDUSTRY DIVISION

CHAPTER 40-10-5
MEAT AND POULTRY INSPECTION RULES OF PRACTICE**

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40-10-5-.01 Definitions

(1) A “regulatory control action” is the retention of product, rejection of equipment or facilities, slowing or stopping of lines, or refusal to allow the processing of specifically identified product.

(2) A “withholding action” is the refusal to allow the marks of inspection to be applied to products. A withholding action may affect all product in the establishment or product produced by a particular process.

(3) A “suspension” is an interruption in the assignment of program employees to all or part of an establishment.

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214

40-10-5-.02 Regulatory Control Action

(1) Georgia Department of Agriculture, Meat Inspection Section may take a regulatory control action because of:

- (a) Unsanitary conditions or practices;
- (b) Product adulteration or misbranding;

(c) Conditions that preclude the Georgia Department of Agriculture, Meat Inspection Section from determining that product is not adulterated or misbranded; or

(d) Inhumane handling or slaughtering of livestock.

(2) If a regulatory control action is taken, the program employee will immediately notify the establishment orally or in writing of the action and the basis for the action.

(3) An establishment may appeal a regulatory control action, as provided in 9 CFR 306.5 and 381.35 as modified by this part.

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214

40-10-5-.03 Withholding Action or Suspension Without Prior Notification

Georgia Department of Agriculture, Meat Inspection Section may take a withholding action or impose a suspension without providing the establishment prior notification because:

(1) The establishment produced and shipped adulterated or misbranded product as defined in 21 U.S.C. 453 or 21, U.S.C. 602;

(2) The establishment does not have a Hazard Analysis and Critical Control Point (HACCP) plan as specified in 9 CFR 417.2;

(3) The establishment does not have Sanitation Standard Operating Procedures as specified in 9 CFR 416;

(4) Sanitary conditions are such that products in the establishment are or would be rendered adulterated;

(5) The establishment violated the terms of a regulatory control action;

(6) An establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with a Georgia Department of Agriculture employee; or

(7) The establishment did not destroy a condemned meat or poultry carcass, or part or product thereof, in accordance with 9 CFR Part 314 or Part 381, Subpart L within three days of notification.

(8) Georgia Department of Agriculture, Meat Inspection Section also may impose a suspension without providing the establishment prior notification if the establishment is handling or slaughtering animals inhumanely.

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214

40-10-5-.04 Withholding Action or Suspension With Prior Notification

Georgia Department of Agriculture, Meat Inspection Section may take a withholding action or impose a suspension after an establishment is provided prior notification and the opportunity to demonstrate or achieve compliance because:

- (1) The HACCP system is inadequate, as specified in 9 CFR 417.6, due to multiple or recurring noncompliances;
- (2) The Sanitation Standard Operating Procedures have not been properly implemented or maintained as specified in 9 CFR 416;
- (3) The establishment has not maintained sanitary conditions as prescribed in 9 CFR 416 due to multiple or recurring noncompliances;
- (4) The establishment did not collect and analyze samples for *Escherichia coli* Biotype I and record results in accordance with 9 CFR 310.25 or 9 CFR 381.94;
- (5) the establishment did not meet the *Salmonella* performance standard requirements prescribed in 9 CFR 310.25 or 9 CFR 381.94.

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214

40-10-5-.05 Notification, Appeals, and Actions Held In Abeyance

(1) If Georgia Department of Agriculture, Meat Inspection Section takes a withholding action or imposes a suspension, the establishment will be notified orally and, as promptly as circumstances permit, in writing. The written notification will:

- (a) State the effective date of the action(s),
- (b) Describe the reasons for the action(s),
- (c) Identify the products or processes affected by the action(s),
- (d) Provide the establishment an opportunity to present immediate corrective action and further planned preventive action; and

(e) Advise the establishment that it may appeal the action as provided in 9 CFR 306.5 and 381.35 as amended by this chapter.

(2) The prior notification provided for in 40-10-5.05 of this part will:

(a) State the type of action that Georgia Department of Agriculture, Meat Inspection Section may take;

(b) Describe the reason for the proposed action;

(c) Identify the products or processes affected by the proposed action;

(d) Advise the establishment of its right to contact Georgia Department of Agriculture, Meat Inspection Section to contest the basis for the proposed action or to explain how compliance has been or will be achieved; and

(e) Advise the establishment that it will have three business days from receipt of the written notification to respond to Georgia Department of Agriculture, Meat Inspection Section unless the time period is extended by Georgia Department of Agriculture, Meat Inspection Section.

(3) An establishment may appeal the withholding action or suspension, as provided in 9 CFR 306.5 and 9 CFR 381.35 as modified by this chapter.

(4) If the Georgia Department of Agriculture, Meat Inspection Section suspends inspection and does not hold the suspension action in abeyance as provided in paragraph (5) of this section, the establishment may request a hearing with the Commissioner.

(5) The Georgia Department of Agriculture, Meat Inspection Section may hold a suspension in abeyance and allow the establishment to operate under the conditions agreed to by Georgia Department of Agriculture, Meat Inspection Section and the establishment.

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214

40-10-5-.06 Withdrawal of Inspection

The Commissioner may withdraw a license for State Inspection because:

(1) An establishment produced and shipped adulterated product;

(2) An establishment did not have or maintain a HACCP plan in accordance with 9 CFR Part 417;

- (3) An establishment did not have or maintain Sanitation Standard Operating Procedures in accordance with 9 CFR Part 416;
- (4) An establishment did not maintain sanitary conditions;
- (5) An establishment did not collect and analyze samples for *Escherichia coli* Biotype I and record results as prescribed in 9 CFR 310.25 or 9 CFR 381.94;
- (6) An establishment did not comply with the Salmonella performance standard requirements as prescribed in 9 CFR 310.25 and 381.94;
- (7) An establishment did not slaughter or handle livestock humanely;
- (8) An establishment operator, officer, employee, or agent assaulted, threatened to assault, intimidated, or interfered with an Georgia Department of Agriculture, Meat Inspection Section program employee; or
- (9) A recipient of inspection or anyone responsibly connected to the recipient is unfit to engage in any business requiring inspection as specified in section 401 of the Federal Meat Inspection Act (MIA) or section 18(a) of the Federal Poultry Products Inspection Act (PPIA).

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214

40-10-5-.07 Refusal to Grant Inspection

The Georgia Department of Agriculture, Meat Inspection Section may refuse to grant State inspection because an applicant:

- (1) Does not have a HACCP plan as required by part 9 CFR Part 417;
- (2) Does not have Sanitation Standard Operating Procedures as required by 9 CFR part 416;
- (3) Has not demonstrated that adequate sanitary conditions exist in the establishment as required by 9 CFR Part 308 or Part 381, subpart H, and 9 CFR Part 416;
- (4) Has not demonstrated that livestock will be handled and slaughtered humanely; or
- (5) Is unfit to engage in any business requiring inspection as specified in section 401 of the Federal Meat Inspection Act (FMIA) or section 18(a) of the Federal Poultry Products Inspection Act (PPIA).

(6) If the Commissioner refuses to grant inspection, the applicant will be provided the opportunity for a hearing.

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214

40-10-5-.08 Procedures for Rescinding or Refusing Approval of Marks, Labels, and Containers

The Georgia Department of Agriculture, Meat Inspection Section may rescind or refuse approval of false or misleading marks, labels, or sizes or forms of any container for use with any meat or poultry product under section 7 of the Federal Meat Inspection Act (FMIA) or under section 8 of the Federal Poultry Products Inspection Act (PPIA).

(1) The Georgia Department of Agriculture, Meat Inspection Section will provide written notification that:

- (a) Explains the reason for rescinding or refusing the approval;
- (b) Provides an opportunity for the establishment to modify the marking, labeling, or container so that it will no longer be false or misleading; and
- (c) Advises the establishment of its opportunity to submit a written statement to respond to the notification and to request a hearing.

(2) If Georgia Department of Agriculture, Meat Inspection Section rescinds or refuses approval of false or misleading marks, labels, or sizes or forms of any container for use with any meat or poultry product, an opportunity for a hearing will be provided in accordance with 40-10-1-.05, 40-10-1-.06 and 40-10-2-.08 of this chapter.

Authority O.C.G.A. 26-2-201, 26-2-202, 26-2-204, 26-2-208, 26-2-210, & 26-2-214